

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

2004 MAY 14 P 3:40

MANUEL REZENDEZ, )  
Plaintiff, )  
 )  
v. )  
 )  
F/V LEGACY and )  
PYRITE INTERNATIONAL, INC. )  
Defendants. )

U.S. DISTRICT COURT  
DISTRICT OF MASS.

CIVIL ACTION NO. 04-10071-JLT

**DEFENDANTS F/V LEGACY AND PYRITE INTERNATIONAL, INC.'S  
ANSWER TO THE PLAINTIFF'S COMPLAINT**

**FIRST DEFENSE**

By way of affirmative defense the defendants state that the plaintiff's Complaint fails to state a claim upon which relief can be granted.

**SECOND DEFENSE**

The defendants respond to the allegations contained in the plaintiff's Complaint paragraph by paragraph as follows.

**THE PARTIES**

1. The defendants have insufficient information to admit or deny the allegations contained in paragraph 1 of the plaintiff's Complaint and call upon the plaintiff to prove the same at trial.
2. The defendants have insufficient information to admit or deny the allegations contained in paragraph 2 of the plaintiff's Complaint and call upon the plaintiff to prove the same at trial.

FACTUAL ALLEGATIONS

3. The defendants have insufficient information to admit or deny the allegations contained in paragraph 3 of the plaintiff's Complaint and call upon the plaintiff to prove the same at trial.

COUNT I

4. The defendants repeat their answers to paragraphs 1 - 3, above, and incorporate them herein by reference.
5. The defendants deny the allegations contained in paragraph 5 of the plaintiff's Complaint and call upon the plaintiff to prove the same at trial.
6. The defendants have insufficient information to admit or deny the allegations contained in paragraph 6 of the plaintiff's Complaint and call upon the plaintiff to prove the same at trial.
7. This paragraph contains a statement of law to which no response is required.

COUNT II

8. The defendants repeat their answers to paragraphs 1 - 7, above, and incorporate them herein by reference.
9. The defendants deny the allegations contained in paragraph 9 of the plaintiff's Complaint and call upon the plaintiff to prove the same at trial.
10. The defendants have insufficient information to admit or deny the allegations contained in paragraph 10 of the plaintiff's Complaint and call upon the plaintiff to prove the same at trial.
11. This paragraph contains a statement of law to which no response is required.



COUNT III - MAINTENANCE AND CURE

12. The defendants repeat their answers to paragraphs 1 - 11, above, and incorporate them herein by reference.
13. The defendants have insufficient information to admit or deny the allegations contained in paragraph 13 of the plaintiff's Complaint and call upon the plaintiff to prove the same at trial.

THIRD DEFENSE

By way of affirmative defense, the defendants state that if the plaintiff suffered injuries or damage, as alleged, such injuries or damage were caused by someone for whose conduct the defendants were not and are not legally responsible.

FOURTH DEFENSE

By way of affirmative defense, the defendants state that if the defendants were negligent or its vessel unseaworthy, which it denies, then the plaintiff's injuries, if any, were contributed to by the plaintiff's own negligence to such a degree that any recovery must be reduced pro rata.

FIFTH DEFENSE

By way of affirmative defense, the defendants state that if it is found liable to the plaintiff for any of his alleged damages, the amount of such liability is limited pursuant to the provisions of the Limitation of Liability Act, 46 U.S.C.A. §§181, et. seq.

SIXTH DEFENSE

By way of affirmative defense, the defendants state that if the injury alleged was

sustained, it did not occur while the plaintiff was in the service of the vessel.

SEVENTH DEFENSE

By way of affirmative defense, the defendants state that the plaintiff's action is barred by the application of the statute of limitations.

**THE DEFENDANTS DEMAND A TRIAL BY JURY ON ALL COUNTS.**


The Defendants,  
F/V LEGACY and  
PYRITE INTERNATIONAL, INC.,  
By their attorneys:

**REGAN & KIELY LLP**



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DATE:

I hereby certify that a true copy of the  
above document was served upon the  
attorney of record for each party via first  
class mail on 5-13-04  




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FILED  
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U.S. DISTRICT COURT  
DISTRICT OF MASS.

May 13, 2004

Civil Clerk  
United States District Court  
1 Courthouse Way  
Boston, MA 02210

Re: Manuel Rezendez v. F/V LEGACY and Pyrite International, Inc.  
Civil Action No. 04-10071-JLT  
Our File No. M1528

Dear Sir/Madam:

Enclosed please find for filing Defendants F/V LEGACY and Pyrite International, Inc.'s Answer to the Plaintiff's Complaint.

Thank you for your assistance in this matter.

Very truly yours,

**REGAN & KIELY LLP**



Syd A. Saloman

SAS/cb

Enclosure

cc: David Kaplan, Esquire